

**IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO**

STATE OF OHIO,	:	APPEAL NO. C-120035
	:	TRIAL NO. B-1101258-A
Plaintiff-Appellee,	:	
vs.	:	
	:	<i>JUDGMENT ENTRY.</i>
JAIR EMBRY,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court. *See* S.Ct.R.Rep.Op. 2; App.R. 11.1(E); 1st Dist. Loc.R. 11.1.1.

Defendant-appellant Jair Embry pleaded guilty to voluntary manslaughter and aggravated robbery, each accompanied by a firearm specification. Embry was sentenced to 13 years in prison, with credit for time served.

In Embry's sole assignment of error, she asserts that the trial court abused its discretion in sentencing her to 13 years' imprisonment by failing to consider the principles set forth in R.C. 2929.12. Embry concedes that the sentence was within the applicable statutory range, and in light of the seriousness of Embry's offenses, including the shooting death of one of the victims, we cannot say that the trial court abused its discretion in sentencing Embry. *See State v. Brown*, 1st Dist. Nos. C-100309 and C-100310, 2011-Ohio-1029, ¶ 13, citing *State v. Kalish*, 120 Ohio St.3d

23, 2008-Ohio-4912, 896 N.E.2d 124, ¶ 17. Therefore, we overrule the assignment of error.

Although we have overruled Embry's assignment of error, we must address an error in Embry's sentencing entry as noted by the state. It is clear from the record that Embry pleaded guilty to a reduced charge of voluntary manslaughter, R.C. 2903.03; however, the sentencing entry provides that Embry pleaded guilty to R.C. 2903.04. Therefore, we remand this matter to the trial court for the limited purpose of correcting its judgment entry to reflect the correct statutory provision for voluntary manslaughter—R.C. 2903.03. *See* Crim.R. 36. We affirm the remainder of the judgment of the trial court.

Further, a certified copy of this judgment entry shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

SUNDERMANN, P.J., CUNNINGHAM and FISCHER, JJ.

To the clerk:

Enter upon the journal of the court on August 29, 2012
per order of the court _____.
Presiding Judge